



11-22-02

DAC #3

Practitioner No. 021878.0002US1 [was docket no. AQUA.005]

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tye, David

Application No.: 10/046,066

Filed: 01/15/2002

For: Bottle Loading and Unloading Tool

Group No.: To be determined

Examiner: To be determined

Box DAC

Commissioner for Patents

Crystal Park One, Suite 520

Washington, D.C. 20231

ATTENTION: Petition Information  
Crystal Park One, Suite 520  
(M.P.E.P. § 1002.02(b), 7th ed.)

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PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER  
37 C.F.R. § 1.137(b)

1. This application became abandoned on September 12, 2002.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. § 1.137(b)(3)).
3. Response or action required is attached.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using *Express Mail*, the *Express Mail* label number is *mandatory*;  
*Express Mail* certification is *optional*.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231  
37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10\*

G with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Addressee"  
Mailing Label No. EV099380695US

**TRANSMISSION**

G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

11/25/2002 WMDHAMM1 00000149 10046066

01 FC:2453

640.00 OP

Date: 11/20/02

  
Signature

4. Fee (37 C.F.R. § 1.17(m))  
Application status is small business entity—fee \$640.00. A small business statement was claimed.

5. Payment of fees

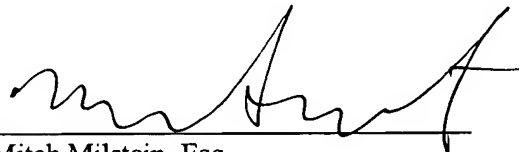
Complete basic filing fee for a small entity	370.00
Total additional claim fee (2 independent claims over 3)	84.00
Late filing fee surcharge for declaration	65.00
Petition filed on behalf of a small entity	<u>640.00</u>
Total	1,159.00

A check in the amount of \$1159.00 is enclosed.

Authorization is hereby made to charge any insufficient funds to Deposit Account No. 502191.

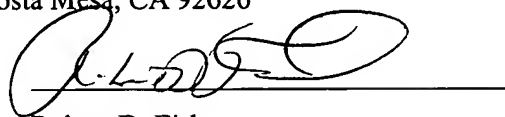
Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application was abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: 11/20/02



Mitch Milstein, Esq.  
Rutan & Tucker LLP  
611 Anton Blvd., Suite 1400  
Costa Mesa, CA 92626

Date: 11/20/02



Robert D. Fish  
Registration No. 33880  
Rutan & Tucker LLP  
611 Anton Blvd., Suite 1400  
Costa Mesa, CA 92626  
714-641-5100  
Customer No. 34284



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231

Inventor: **David Tye**  
Serial No: **10/046066**  
Filed: **15 January 2002**  
For: **Bottle Loading and  
Unloading Tool**

Examiner: To be determined  
Art Unit: To be determined

**DECLARATION UNDER PETITION 37 C.F.R. §1.134(b)**


I, the undersigned, Robert Fish, hereby declare as follows:

1. I am an attorney licensed to practice in the State of California.
2. On information and belief, David Tye is the named inventor on application serial no. 10/046066. The application was filed, and was being prosecuted, by a firm that was retained by Mr. Tye's previous employer, Universal Aqua Technologies. After leaving Universal Aqua Technologies, Mr. Tye promptly retained Rutan & Tucker to continue prosecution of his application and an appropriate power of attorney was filed with the United States Patent and Trademark Office. Mr. Tye was not aware that the firm hired by his previous employer had failed to pay the necessary fees to avoid abandonment. Therefore, the abandonment of the application was unintentional.

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3. I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true and correct.

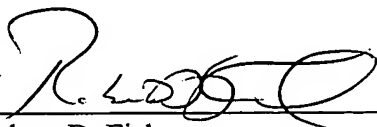
Executed at Irvine, California, this 20th day of , November, 02.

By:   
Mitch Milstein

Respectfully submitted,

Rutan & Tucker, LLP

Dated: November 20, 2002

By:   
Robert D. Fish  
Reg. No. 33,880

Attorneys for Applicant(s)  
Post Office Box 1950  
Costa Mesa, CA 92628-1950  
Tel.: (714) 641-5100  
Fax: (714) 546-9035

#4

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**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, ~~post office~~ address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Bottle Loading and Unloading Tool

**SPECIFICATION IDENTIFICATION**

The specification was filed on January 15, 2002, as Serial No. 10/046,066.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

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## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

### APPOINTED PRACTITIONER(S)

Robert D. Fish  
Sandra P. Thompson  
David J. Zoetewey  
Martin Fessenmaier

### REGISTRATION NUMBER(S)

33880  
46264  
45258  
46697

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### SEND CORRESPONDENCE TO

Robert D. Fish  
611 Anton Blvd., Suite 1400  
Costa Mesa, CA 92626  
34284

### DIRECT TELEPHONE CALLS TO:

Robert D. Fish  
714-641-5100

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

David Tye  
Inventor's signature

Date 10/14/02

Residence Huntington Beach, CA

Post Office Address 16311 Waikiki Lane, Huntington Beach, CA 92649

Country of Citizenship US

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